

FILED

JUL 03 2019

SCANNED

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES DISTRICT COURT
For THE WESTERN DISTRICT OF PENNSYLVANIA

United States of America,

v.

Frederick Banks, Defendant

2:15cr168

MOTION AND NOTICE TO THE COURT
AND COUNSEL THAT IN USA v. BANKS, 16-3794
(3rd cir) The Govt conceded Jurisdiction For
THE DISTRICT COURT WAS BY VIRTUE OF 18 USC 3121
THAT DIRECTLY REFERENCES THE Foreign Intelligence
SURVEILLANCE ACT 50 USC § 1801 et seq.

Defendant Frederick Banks, Native American ("Banks") files this motion
and notice to the Court and counsel that in USA v. Banks, 16-3794
(3rd cir.) The Govt conceded Jurisdiction for the District Court was by
virtue of 18 USC 3121 that directly references the Foreign Intelligence
Surveillance Act 50 USC § 1801 et seq. and represents;

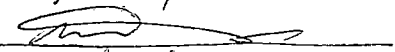
1. The government has all but conceded that it has FISA orders
and Authorizations on Banks. In USA v. Banks, 16-3794 (3rd cir) at
Brief for Appellee at page 6 the U.S. government's counsel stated that
the District Court had jurisdiction pursuant to "18 USC § 3121". One of
the few ways the Court would have jurisdiction under 18 USC § 3121
is by an Order under the Foreign Intelligence Surveillance Act ("FISA")
50 USC § 1801 et seq. See text of 18 USC § 3121. This admission by
the government is further evidence of FISA orders, authorizations, warrants,
overhears etc on Defendant and it's relevant to this case by virtue of what
DR ROSS, WEITSTEIN and DR MARQUEZ put in their reports and Banks' allegations
in his FISA motions. See ECF 733, ¶ 950. In Banks' estimation a
Toxicogenomic, REIT-1 examination is warranted and at the very least the Court
should order the government to respond to the FISA request under 50 USC §
1806(f) asserted in ECF 901, 928, 929 and as stated defense counsel agrees
with Banks that the government should respond to the FISA portion of ECF 90

2. Also Banks notes that the frequency ranges cited in the Ken Posner report are extremely close to what Wired magazine states is a "Voice to Skull" vocally embedded Hypnosis within a "FM-Voice transmitter pulse" & "steady tone" "near the high end of the hearing range". The Posner frequencies cited are 2681.257 MHz, 2679.767 MHz, 2678.456 MHz, 2671.583 MHz & 2677.358 MHz. 2.86 GHz. Compare with illustration at "Army Yanks Voice to Skull device" site "Sharon Weinberger 05/09/08 Wired magazine www.wired.com As stated Banks has a high pitched tone in each ear. A REIT-1 examination would determine if there is a correlation between Banks & Posner's tones / frequencies and directly tie it to the U.S. government as in Posner's report. Coupled with FISA disclosures and other testimony from experts and records that already exist such as the 1998 Department of the Army Report on "Bioeffects of Selected Non-Lethal weapons" (talking to microwave hearing used to manipulate individuals) Banks can prove (if he's correct) that not only did the government specifically target him for electronic surveillance but they did so to imprison him in this and other cases to cover up their own wrongdoing and other unconstitutional reasons. Accordingly, the court should order relief consistent with this motion, that is grant the request for FISA and the requested examination & hold a hearing and allow Banks to subpoena experts to testify. Counsel should adopt the FISA motion.¹

3. Finally, the court should unseal ECF 949 & 899.

Wherefore, the foregoing motion should be granted.

Respectfully Submitted,



Frederick Banks

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DEPENDANT

7. Also the Court Lacks subject Matter Jurisdiction over the Superseding Indictment because the Court committed Banks to the Custody of the Attorney General under 18 USC § 4247(b) for an examination and on 11/19/15 extended the evaluation period. While a competency determination was pending Banks was charged again in a Superseding Indictment and arraigned on it on 1/19/2016 and pled not guilty however it is well settled that considered "Incompetent persons" may not enter pleas. As a result of this on the record due process violation this Court Lacks Jurisdiction over the Superseding Indictment and due to the violation of due process the Superseding Indictment must be dismissed with prejudice.